

1 Alejandro L. Lucero-Vasquez 40

2 A. No.

3 Q. Did either of the supervisors ride
4 in the ambulance with you to the hospital?

5 A. No.

6 Q. When you got to the hospital, could
7 you describe for me what happened?

8 MR. STEINBERG: Just note my
9 objection.

10 He could answer.

11 A. I was placed on a stretcher and
12 then I was taken to the emergency room.
13 That's it.

14 Q. What kind of treatment did you get
15 at the emergency room?

16 MR. STEINBERG: Note my same
17 objection, please.

18 A. None at all. Just Tylenol for the
19 pain.

20 Q. Did you get stitches in the
21 emergency room?

22 A. Yes, on my hand.

23 Q. Were they stitches or staples?

24 A. Staples.

25 Q. Was there any other treatment other

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than the staples in your head?

A. This thumb (indicating) of my left hand was dislocated but they just place it back.

Q. Did anybody that you worked with come to the hospital while you were there?

A. Just my nephew and my niece.

Q. Do you know how your nephew found out about the accident?

A. Because I always carry my cell phone.

Q. So you called your nephew?

A. No. Well, one of the female paramedics asked me if I wanted to call somebody and I said "Yes. You can call my nephew" and I dialed and I told her to dial on my own phone so she could call him.

Q. Other than your nephew, did Bali or any of the supervisors come while you were in the hospital?

A. No.

Q. At any time after the accident, did you speak to Bali or the other two supervisors about what happened?

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A. No.

Q. Do you remember what day of the week November 8, 2006 was?

A. No, I don't remember.

Q. At any time after the accident, did you ever pick up any pay for work that you had done before the accident?

A. No.

Q. Did the company owe you any pay for work that you had done prior to the accident?

A. Yes.

Q. But you never got that money?

A. No.

Q. Did you ever return to work for that company or at the site after your accident?

A. No.

Q. After the accident, you just didn't show up anymore for work?

MR. STEINBERG: Note my objection to the form.

You can answer.

A. No.

Q. But you never told anybody why you

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weren't going back?

MR. STEINBERG: Note my

objection to the form.

A. No. Well, actually, nobody ask me if I wanted to go back to work so.

MR. STEINBERG: You answered

the question. Don't worry about it.

Q. Do you know if your nephew spoke to Bali or anyone else from the company about your accident?

A. No, I don't know.

Q. But nobody contacted you to ask you about the accident from that company; is that correct?

A. No.

Q. You said on November 8, 2006 Bali was not at the site?

A. No.

Q. Do you know why he wasn't there that day?

A. I think he had an appointment.

Q. But generally, he was there on the other days?

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A. Yes.

Q. Did there come a time when you
filed a claim for workers compensation?

MR. STEINBERG: Just note my
objection to the question.

A. Yes.

Q. Do you remember when that was?

A. No. I don't remember.

Q. Did you ever go to any hearings or
proceedings related to the workers
compensation claim?

A. No.

Q. Are you or have you ever received
workers compensation benefits?

A. No.

Q. Other than your visits to the
emergency room, did you require other medical
attention?

MR. STEINBERG: Just note my
objection.

A. Yes.

Q. How did you pay for the medical
care that you received?

A. My nieces helped me out. After the

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accident they help pay some of the medical bills, the rent and all that.

Q. Do you have receipts or invoices for the medical treatment that you received?

A. No.

Q. Do you know if your nieces have any kind of records or receipts for the payments that they made for your medical bills?

A. I don't know.

Q. I don't want to know the substance of any conversations that you may have had but did you hire an attorney to help you with the workers compensation claim?

A. Yes.

Q. But you have not received any benefits or payment from workers compensation?

A. No.

Q. Do you know why?

A. No, I don't know.

Q. Earlier you said that you knew the name Eastern Waterproofing, is that right, you heard that before?

A. Yes, it sounds familiar.

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Q. But you don't remember why it sounds familiar?

A. No, I don't remember.

Q. Around work, did you ever hear of somebody referred to as Mr. Gil, G-I-L?

A. No.

Q. Do you remember the name of the employer you sought workers compensation benefits from?

A. No, I don't remember.

Q. Do you remember who referred you to the Workers Comp. Board or the lawyers who helped you with the workers comp. proceeding?

MR. STEINBERG: Note my objection.

A. No, I don't remember.

MR. ISAACSON: Okay, thank you.

MR. NACHIMOVSKY: Just request that we would like to be supplied with -- I'm sure you have some information on this workers comp. case.

MR. STEINBERG: Whatever I

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have, you guys have.

MR. ISAACSON: I have no
more questions.

EXAMINATION BY

MR. NACHIMOVSKY:

Q. Mr. Vasquez, my name is Yoram
Nachimovsky. I am the attorney who
represents Liberty Square Realty Corp.

Do you know who Liberty Square
Realty Corp. is?

A. No.

Q. Where were you born, Mr. Vasquez?

A. I was born in Mexico.

Q. In what City?

A. I was born in the state of Sinaloa,
Mexico.

Q. What's your date of birth?

A. August 24, 1960.

Q. Are you married or single?

A. I am married.

Q. What is your wife's name?

A. Delphina; last name Baretta-Ortega.

Q. What's the date of birth of your
wife?

1 Alejandro L. Lucero-Vasquez 48

2 A. I don't remember.

3 Q. How old is your wife?

4 A. She's 24 years old.

5 Q. Where does she live?

6 A. She lives there in Mexico.

7 Q. When was the last time you saw your

8 wife?

9 A. I don't even remember now.

10 Q. Was it last year?

11 A. No. I've been here 14 years now.

12 Q. You've been here 14 years?

13 A. Yes.

14 Q. Do you have any children?

15 A. Yes.

16 Q. How many children?

17 A. Five.

18 Q. What are the ages of the children?

19 A. The eldest is 23 years old and the

20 youngest one is 17.

21 Q. Give me the names and the ages?

22 A. The eldest is Augustine; Juan.

23 Q. You remember his date of birth?

24 A. Yes -- Augustine, I don't remember.

25 Q. What's the second one's name?

1 Alejandro L. Lucero-Vasquez 49

2 A. Juan.

3 Q. Do they all have your last name?

4 A. Yes.

5 Q. They're all Vasquez?

6 A. Yes.

7 Q. Vasquez or Lucero-Vasquez?

8 A. Lucero, no Vasquez; Lucero.

9 Q. Lucero or Lucero-Vasquez?

10 A. Just Lucero.

11 Q. How old is Juan?

12 A. Juan, he's 20.

13 Q. And after Juan is who?

14 A. Israel.

15 Q. How old is Israel?

16 A. He's 19.

17 Q. And after Israel?

18 A. Victoria.

19 Q. We got a girl; and how old is the
20 girl?

21 A. She's 17.

22 Q. And after Victoria?

23 A. Alejandra, she's 16.

24 Q. Are any of your children in the
25 United States?

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2 A. Just Augustine.

3 Q. Augustine is in the United States.

4 Does Augustine live with you?

5 A. No.

6 Q. Where does Augustine live?

7 A. He's in California -- no, he's in
8 Pennsylvania. He's living there with his
9 cousins.

10 Q. What does he do?

11 A. He's an electrician.

12 Q. And he's the only one of your
13 children here?

14 A. Yes.

15 Q. Do you have any other children here
16 in the United States?

17 A. No, all the rest of them are in
18 Mexico.

19 Q. When was the last time you saw
20 Augustine?

21 A. Last year when he came over here.

22 Q. When did he come here?

23 A. Around December for Christmas and
24 New Year's.

25 Q. And before that?

1 Alejandro L. Lucero-Vasquez 51

2 A. He seldom comes over here.

3 Q. Does he know that you had an
4 accident?

5 A. Yes. He was told over the phone
6 but he did not come up.

7 Q. When did you first come to the
8 United States?

9 MR. STEINBERG: Note my
10 objection to the question.

11 MR. NACHIMOVSKY: To what
12 part?

13 A. Around 1996 or 1997. I don't
14 remember when.

15 Q. With or without a visa?

16 MR. STEINBERG: Note my
17 objection to the question.

18 A. With visa.

19 Q. You came with a visa; where did you
20 get the visa?

21 A. In Mexico. I got my visa for six
22 months.

23 Q. What city did you get the visa?

24 A. Mexico City.

25 Q. You went to the consulate in Mexico

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City?

A. Yes.

Q. how did you get from Mexico to the United States?

MR. STEINBERG: Note my objection to the question.

A. By plane.

Q. What airline?

MR. STEINBERG: Note my objection to the question.

A. I don't remember right now.

Q. What city did you fly into?

A. Here to New York.

Q. Where did you live once you got to the United States, where did you live?

A. I went to live with some friends.

Q. Where was that?

A. They were living in Manhattan.

Q. You remember the address?

A. On 116th Street and Lexington Avenue.

Q. Did you receive a white 94 card when you came in?

MR. STEINBERG: Just note my

1 Alejandro L. Lucero-Vasquez 53

2 objection to the question.

3 A. No.

4 Q. Did you ever apply for any
5 immigration benefits once you arrived to the
6 United States?

7 MR. STEINBERG: Note my
8 objection.

9 A. No.

10 Q. Did you ever get a Social Security
11 number?

12 MR. STEINBERG: Note my
13 objection to the question.

14 A. No.

15 Q. Where was the first job that you
16 did when you first came to the United States?

17 MR. STEINBERG: What are you
18 doing here?

19 THE INTERPRETER: What?

20 MR. STEINBERG: Let him
21 answer the question.

22 A. My friends were working supermarket
23 and then they got me a job there, you know,
24 working in the produce department, with the
25 fruits.

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Q. When was the first time you worked in construction?

A. I did not work in construction until the year 2006.

Q. In 2006, how did you start working in construction?

MR. STEINBERG: Just note my objection.

Asked and answered.

A. Just when I started working for Mr. Bali but prior to that I just work in supermarkets and restaurants.

MR. STEINBERG: Just listen to his question and answer his question.

Q. What is your educational level?

A. Fourth grade, fourth year.

Q. Did you work in Mexico, did you have any jobs in Mexico?

A. Yes.

Q. What kind of jobs did you work at?

MR. STEINBERG: Just note my objection.

A. I work for this soda company.

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Q. What did you do for the soda company?

A. I was washing the bottles, the glass bottles because they used to use the glass bottles.

Q. Did you ever have any job in working with machines in Mexico?

A. No, not with machines, no.

Q. Did you ever learn how to use a hammer in Mexico?

A. No.

Q. Did you ever use a screwdriver in Mexico?

A. Yes, in order to fix a switch at home, things like that.

Q. Did you ever do any construction at all in Mexico?

A. Construction, yes, I did.

Q. What kind of construction did you do in Mexico?

A. I worked helping out with dust, with the concrete trucks.

Q. What did you do with the concrete trucks?

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2 A. I had, I was in charge of keeping
3 it cool.

4 Q. Could you please explain that, I
5 don't understand?

6 A. Like any vehicle, a car, whenever
7 it doesn't have any water it tends to heat up
8 and in order to keep the machine cool I have
9 to keep pouring water.

10 Q. Like anti-freeze?

11 A. Yes.

12 Q. Did you work with the concrete?

13 A. No, with concrete. We just with
14 the machine. The machine that transports the
15 concrete, it is placed in a hole and then
16 there are some hoses there.

17 Q. Did you ever fix sidewalks or
18 concrete?

19 A. No.

20 Q. In Mexico or in the United States?

21 A. No.

22 Q. Did you ever do any woodwork?

23 MR. STEINBERG: Note my
24 objection to the question.

25 A. No.

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Q. On the first day that you met Mr. Bali or Barry, was it?

A. Bali.

Q. On the first day that you met him, did he ask you questions about what jobs you've done before?

A. No.

Q. Is it your response that he didn't ask you any prior experience?

A. No.

MR. NACHIMOVSKY: I asked a negative so something here is wrong.

Q. Did Mr. Bali ask you about any prior experience that you had when he met you?

A. No.

Q. Did he ask you any questions at all when he met you?

A. No.

Q. Did he say anything to you when he met you?

A. Well, I ask him for a job and he gave it to me but actually, he didn't ask me

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for any experience or anything like that.

Q. Did you ask him any questions when you first met him?

A. No.

Q. Do you know where Mr. Bali lives?

A. No.

Q. Have you seen Mr. Bali since the date of the accident?

A. No.

Q. Have you seen any of the other supervisors since the day of the accident?

A. No.

Q. Have you seen any of the other workers from that site since the day of the accident?

A. No.

Q. Did you ever go back to the site of the accident since the accident?

A. No.

Q. It was your testimony that the accident occurred on the third floor; is that correct?

A. Yes.

Q. You have a piece of paper in front

1 Alejandro L. Lucero-Vasquez 59

2 of you, can you draw me a sketch of what that
3 third floor looked like?

4 MR. STEINBERG: Absolutely
5 not. He's here to give verbal
6 responses to questions. He's not
7 here to draw stuff.

8 MR. NACHIMOVSKY: Okay.

9 Q. How many elevators are there in
10 this building?

11 A. Just one.

12 Q. Is it in the middle of a floor, is
13 it in the corner?

14 A. In the middle.

15 Q. In the middle of the floor. If
16 this was the third floor, where would the
17 elevator be?

18 A. Here (pointing).

19 MR. STEINBERG: Again, let's
20 use verbal words. This is not show
21 and tell.

22 MR. NACHIMOVSKY:
23 (A photograph was marked as
24 Defendant's Exhibit A, for
25 identification, as of this